

**PLANNING AND ZONING COMMISSION
STAFF REPORT**

October 1, 2015



Planning Variance case no. PV15-12: Jeremy Richardson

CASE DESCRIPTION: a request for approval of two separate variances to allow a 143-foot reduction from the minimum 275-foot drive separation distance and a 14-foot reduction to the 50-foot driveway throat depth generally required on properties along major arterial streets, to allow a new driveway with a driveway throat depth of 36 feet to be located within 132 feet of East 29th Street

LOCATION: 2305 East Villa Maria Road, at the southeast corner of the intersection of East Villa Maria Road and East 29th Street, being Lot 1 in Block 1 of the Villa Maria Gulf Service Subdivision in Bryan, Brazos County, Texas

ZONING: Retail District (C-2)

EXISTING LAND USE: vacant auto service station

APPLICANT: Jeremy Richmond of Oldham-Goodwin Commercial Real Estate

AGENT: Joe Schultz, Schultz Engineering, LLC

STAFF CONTACT: Matthew Hilgemeier, Staff Planner

SUMMARY RECOMMENDATION: Staff recommends **approving** the requested variance for the location of the driveway, but **denying** the requested throat depth reduction.

BACKGROUND:

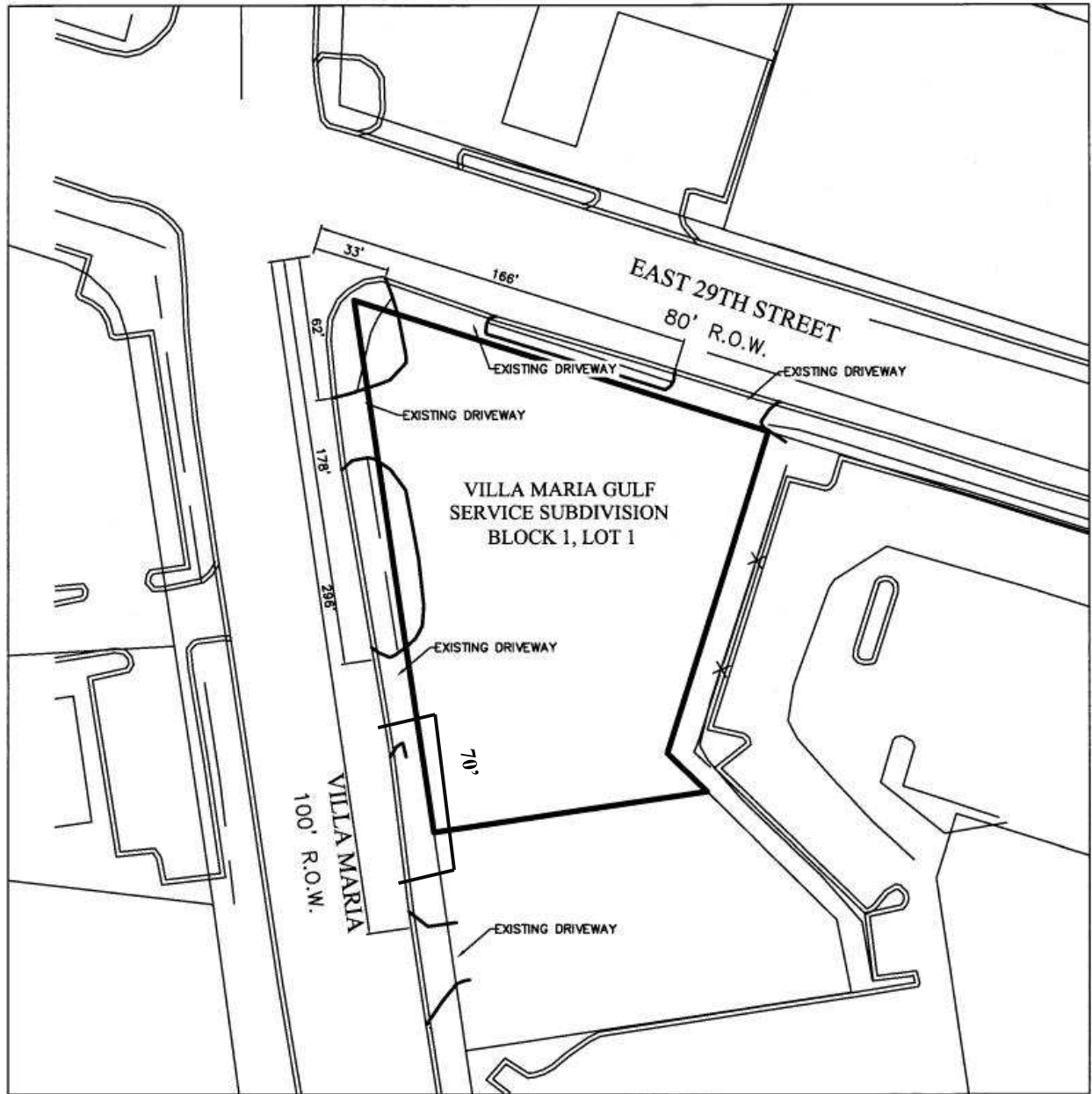
The subject property located at 2305 East Villa Maria Road and zoned Retail District (C-2), is currently occupied by a vacant auto service garage and gas station. This property is located at the southeast corner of East Villa Maria Road and East 29th Street which are classified as a major arterial and minor arterial streets, respectively, by the City of Bryan's Thoroughfare Plan. Properties that surround the subject property in all directions are also zoned C-2, and are developed as a medical office (west and northwest), a convenience store/fast food restaurant and auto service station (north and northeast), ancillary parking for St. Joseph Regional Hospital (east), and a dentist office (south). The subject property is also located within the boundaries of in the recently adopted Health and Wellness Area Plan.

The subject property was developed sometime in the early 1980's prior to the City of Bryan adopting driveway separation standards. There are currently 4 driveways taking access to the site, 2 along E. Villa Maria Road and 2 along East 29th street. In their current configuration, the existing driveways on the property neither meet adopted separation requirements nor established throat depth lengths. Since all driveways were constructed prior to the adoption of applicable standards, they are considered legal non-conforming driveways and are allowed to remain in place until the site is redeveloped

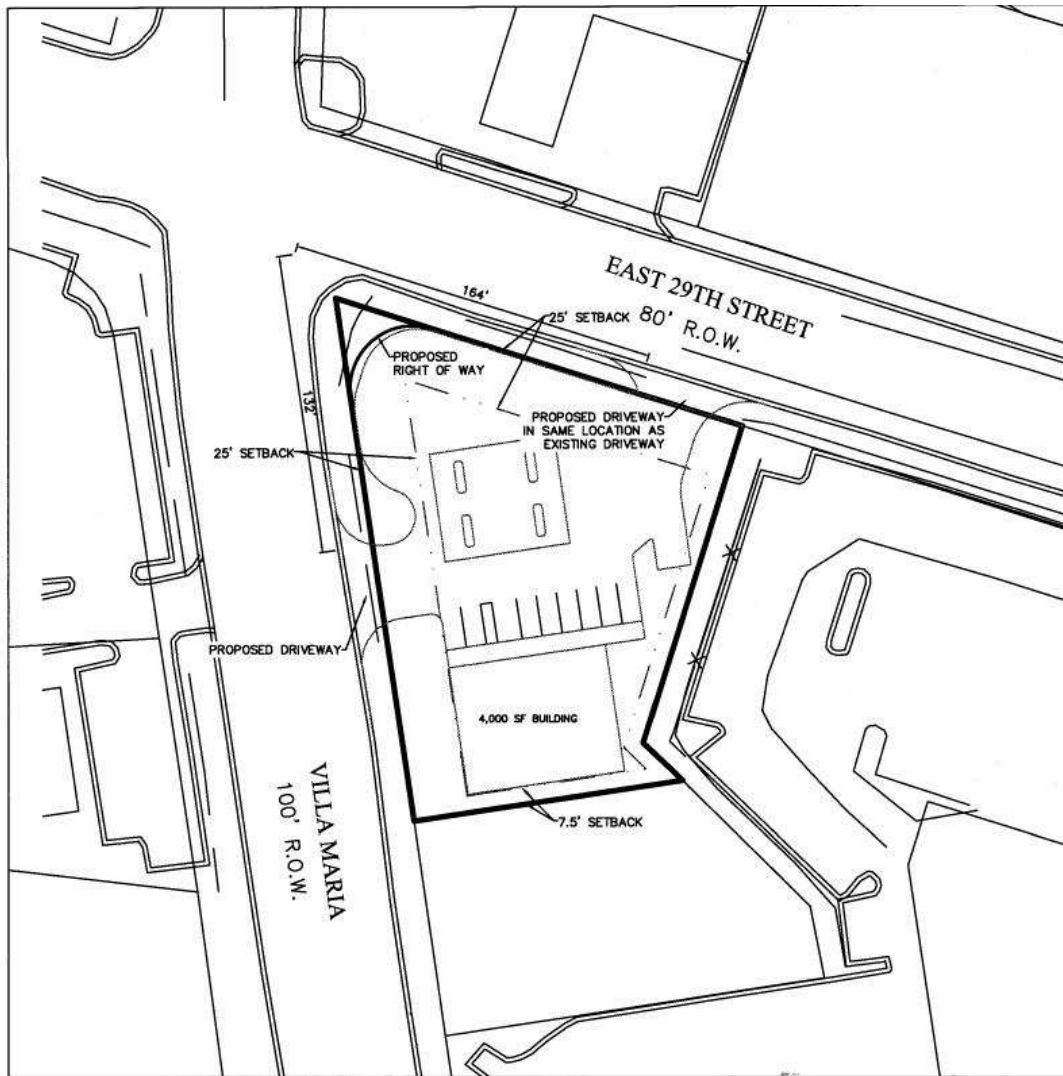
The applicant Jeremy Richards, with Oldham-Goodwin Commercial Real Estate who represents the current owner of the property, is requesting two variances related to a new driveway along East Villa Maria Road, in order to facilitate the pending sale of the subject property to a buyer who wishes to remove the two existing buildings on the site (3,708 SF and 2,206 SF) and construct a new 4,000 SF convenience store with 4 fuel islands (8 fueling stations) here.

The City's Land and Site Development Ordinance requires minimum separation between driveways and minimum throat depths, i.e., the distance from the outer edge of the traveled way of the intersecting roadway to the first point along the driveway at which there are conflicting vehicular traffic movements. In this particular case, due to the classification of East Villa Maria Road as major arterial street on Bryan's Thoroughfare Plan, Land and Site Development Ordinance Section 62-296 (b)(1)(a) requires a minimum separation distance of 275 feet from adjacent driveways and street intersections. Section 62-296(f) requires a minimum throat depth of 50 feet.

In order to redevelop the site the applicant has requested a 143-foot reduction to the 275-foot driveway separation requirement, to allow a new driveway on the subject property to be located 132 feet south of the East Villa Maria Road and East 29th Street intersection. Both existing driveways on the property along East Villa Maria Road are proposed to be closed. The applicant is also requesting a 14-foot reduction to the 50-foot driveway throat depth required for driveways on this property, to allow a new driveway to have a throat depth of only 36 feet.



EXISTING CONDITIONS



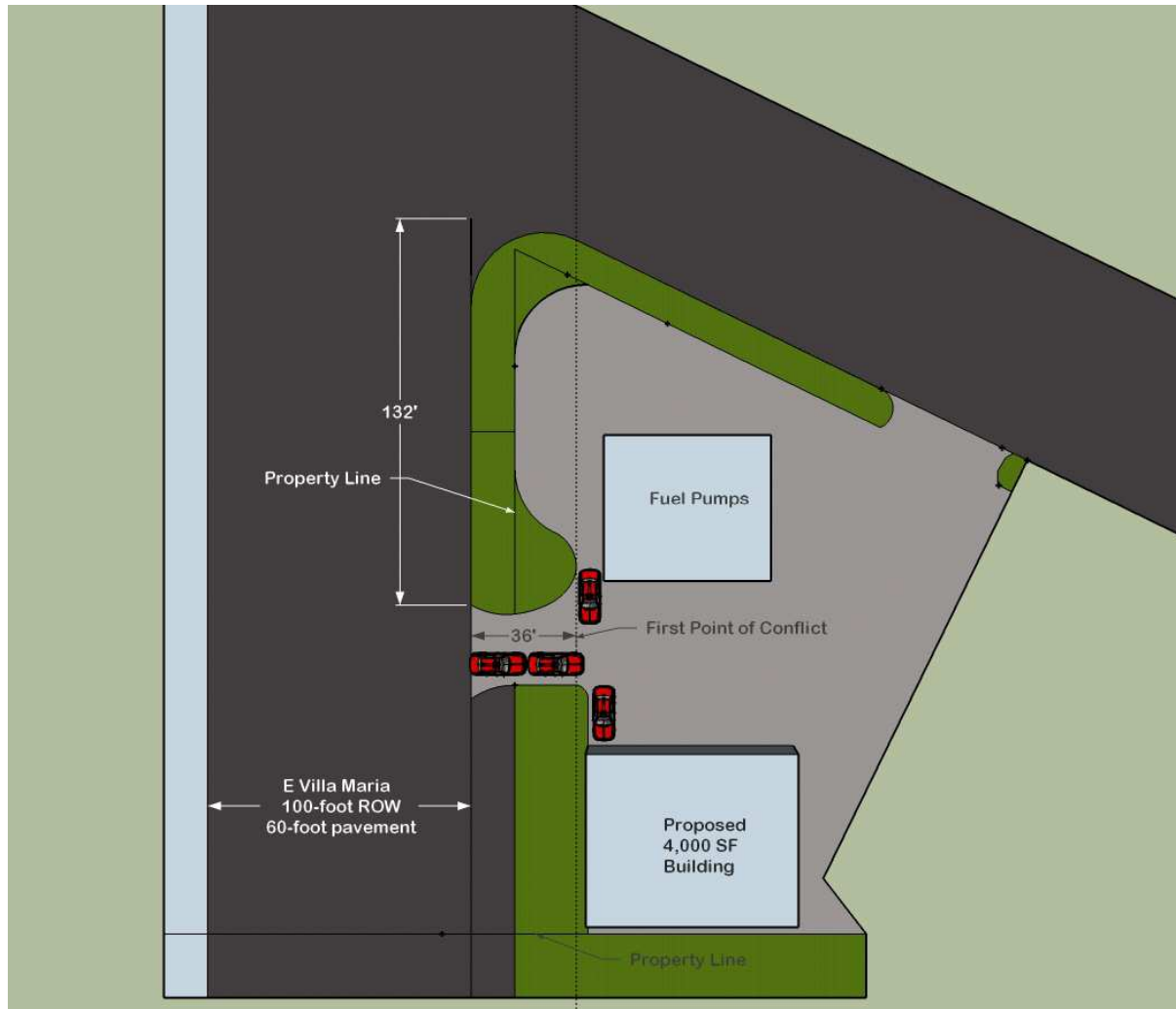
PROPOSED CONDITIONS

SFF 0.9.7015

The Land and Site Development Ordinance defines throat depth as a “distance measured from the edge of pavement of the street to the first point of conflict”. A first point of conflict is the point on any driveway where to automobiles could possible interact with each other. The distance of a required throat depth is determined by the functional classification of the adjacent roadway. In this case any driveway accessing East Villa Maria Road is required to have a minimum 50-foot throat depth.

The intend of throat depth requirements is to provide space for motorists to stop and wait for conflicting traffic already in the parking lot to clear so he/she can proceed. At the same time it also minimizes the possibility of vehicles extending out into the adjacent roadway, which reduces crash risk. When the throat length is too short to store queued vehicles, the back of the queue can extend into the roadway and impede the flow of pedestrian and vehicular traffic. Also, a short throat can create conditions that increase opportunities for collisions between vehicles or between vehicles and pedestrians. So, throat length design can affect both the operation of traffic and the safety of the users.

Adequate throat depth varies based on the speed and volume of traffic on the adjacent roadway: the higher the speeds and volumes, the greater throat depth is needed to reduce the risk of rear-end crashes occurring.



ANALYSIS:

The Planning and Zoning Commission may authorize a variance from regulations stipulated in the Land and Site Development Ordinance. **No variance shall be granted** unless the Planning and Zoning Commission finds that **all** of the following criteria are met:

1. That there are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this ordinance would deprive the applicant of the reasonable use of his or her land;

Due to the lot configuration it would not be possible to meet the 275-foot driveway separation requirement were this site undeveloped and the existing driveways did not exist, therefore, staff is recommending approval of the request to allow for the proposed driveway on E. Villa Maria to be located 132 feet from the intersection. According to the City's Engineering Services Department, the proposed driveway location is not any less safe for traffic movements than the existing driveways accessing E. Villa Maria Road.

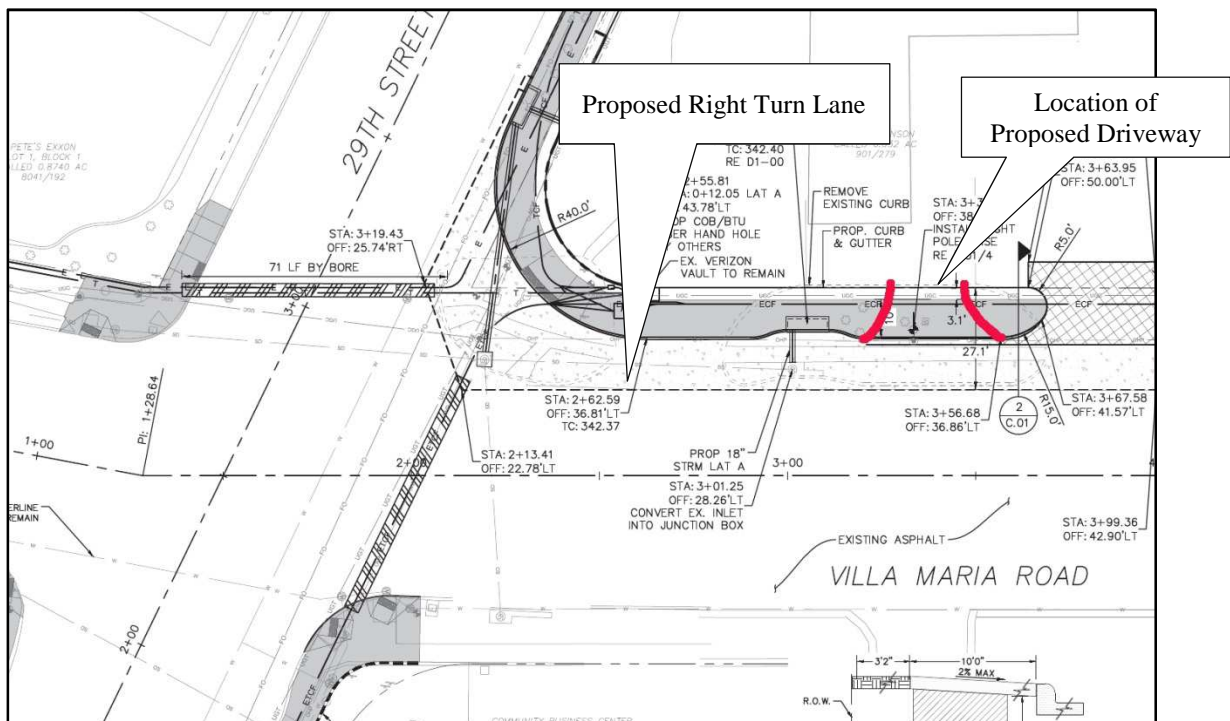
However, staff contends that a special circumstance or condition affecting does not exist on the subject property such that the strict application of the ordinance deprives the applicant of the reasonable use of the property with regards to a reduction in the minimum 50-foot throat depth requirement. While it is true that the site's unusual shape and location may make adherence to adopted development standards challenging, a final site layout that may support the need for a reduction in driveway throat length has not yet been submitted. As mentioned above, throat length design can affect both the operation of traffic and the safety of the users.

2. That the variance is necessary for the preservation and enjoyment of substantial property rights of the applicants;

Staff contends that approving a variance to the driveway separation requirement is an improvement for traffic flow near the busy intersection of East 29th Street and East Villa Maria Road. Without a final site design, staff believes that it would be premature to grant a variance from the required 50-foot throat length, in this particular case.

3. That the granting of the variance will not be detrimental to the public health, safety or welfare or injurious to other property or public facilities in the area;

Staff contends that granting the variances would not be detrimental to the public health, safety or welfare or injurious to other property or public facilities in the area. It is important to note that, as part of a City of Bryan Capital Improvement Project, a right-turn lane will be installed for traffic turning right off of E. Villa Maria Road, going east on East 29th Street. If granted a variance, this will place the proposed driveway closer to the intersection and near the middle of the proposed turn lane.



However, staff contends that given the high volumes of traffic on this road (258 thru trips per hour), and the potential for an increased number of automobiles entering and exiting this newly redeveloped site it is staff's opinion that a reduction of the required throat depth could create a traffic hazard at one of the busiest intersections in the City of Bryan. The purpose of having

adequate throat depth in a driveway is to provide space for motorists to stop and wait for conflicting traffic already in the parking lot to clear so he/she can proceed. At the same time it also minimizes the possibility of vehicles extending out into the adjacent roadway, which reduces crash risk. Adequate throat depth varies based on the speed and volume of traffic on the adjacent roadway. The higher the speeds and volumes, the greater throat depth is needed to reduce the risk of rear-end crashes occurring. Staff contends that if a variance to the throat length were granted in the absence of any special circumstances or conditions, it may be detrimental to the public health, safety or welfare in the area.

4. That the granting of the variance will not have the effect of preventing the orderly development of the applicant's land and/or land in the vicinity in accordance with the provisions of this ordinance.

Staff contends that granting the variance to allow a reduced driveway separation will not have the effect of preventing the orderly development of the applicant's land and/or land in the vicinity in accordance with the provisions of this ordinance, in this particular case.

However, staff contends that granting a variance reducing the throat depth, in this particular case, in the absence of any special or unique circumstances may be detrimental to the public health, safety or welfare in the area.

RECOMMENDATION:

Based on all of the aforementioned considerations, staff recommends **approving** the requested variance for the location of the driveway, but **denying** the requested throat depth reduction.